

Joint Meetings

Wednesday, September 28, 1988

DISABILITY DISCRIMINATION

Joint Hearing: Senate Committee on Labor and Human Resources' Subcommittee on the Handicapped held joint hearings with the House Committee on Education and Labor's Subcommittee on Select Education on issues concerning discrimination on the basis of disability, receiving testimony from Sandra Parrino, Chairperson, National Council on the Handicapped; Admiral James Watkins, Chairperson, President's Commission on the Human Immunodeficiency Virus Epidemic; Mary Linden, Morton Grove, Illinois; Dan Piper, and Sylvia Piper, both of Ankeny, Iowa; Jade Calgory, Corona Del Mar, California; Lakisha Griffen, Alabama School for the Blind, Talladega, Alabama; Judith Heumann, World Institute on Disability, Berkeley, California; Gregory Hlibok, Gallaudet University, Washington, DC; Belinda Mason, Tobins Point, Indiana; and W. Mitchell, Denver, Colorado.

Hearings were recessed subject to call.

AMERICAN LEGION—LEGISLATIVE PRIORITIES

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the American Legion, after receiving testimony from Senator Burdick; H.F. Gierke, National Commander, and John Sommer, Director, and Bill Lenker, Chairman, both of the Veterans' Affairs and Rehabilitation Commission, and Gary Sammons, Chairman, and E. Philip Riffin, Director, both of the National Legislative Commission, all of the American Legion, Washington, DC.

APPROPRIATIONS—AGRICULTURE

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 4784, appropriating funds for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

APPROPRIATIONS—DEFENSE

Conferees continued in closed evening session on the differences between the Senate- and House-passed versions of H.R. 4781, appropriating funds for fiscal year 1989 for the Department of Defense.

APPROPRIATIONS—DISTRICT OF COLUMBIA

Conferees continued in evening session to resolve the differences between the Senate- and House-passed versions of H.R. 4776, appropriating funds for fiscal year 1989 for the government of the District of Columbia.

Senate

Chamber Action

Routine Proceedings, pages 25982-26029

Measures Introduced: Two bills and eight resolutions were introduced, as follows: S. 2842 and 2843, S. Res. 481-483, S.J. Res. 387 and 388, and S. Con. Res. 145-147.

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Measures Reported: Reports were made as follows: Reported on Tuesday, September 27:

S. 2835, to designate the United States Post Office and Courthouse located at 151 West Street in Rutland, Vermont, as the "Robert T. Stafford United States Courthouse and Post Office".

Page 25685

Reported Today:

S. 1415, to facilitate and implement the settlement of Colorado Ute Indian reserved water rights claims in southwest Colorado, and for other purposes with amendments. (S. Rept. No. 100-555)

S. 1515, to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity, with amendments. (S. Rept. No. 100-556)

S. 2246, to establish the Lower Mississippi Delta Development Commission, with an amendment in the nature of a substitute. (S. Rept. No. 100-557)

S. 2384, to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes, with an amendment. (S. Rept. No. 100-558)

H.R. 1975, to protect caves resources on Federal lands, and for other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 100-559)

S.J. Res. 379, to establish as the policy of the United States the preservation, protection, and promotion of the rights of indigenous Americans to use, practice and develop Native American languages, and for other purposes. (S. Rept. No. 100-560)

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Measures Passed:

Launch of the Discovery: Senate agreed to S. Res. 481, congratulating the men and women of the U.S. space program for their diligent efforts to plan and implement the *Discovery* Launch, with maximum regard for the safety of the crew and the scientific and technical goals of the mission and the space program.

Page 25889

United States Grain Standards Act Amendments: Committee on Agriculture, Nutrition, and Forestry

was discharged from further consideration of H.R. 4345, to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Reconciliation Act of 1981 and Public Law 98-469, to charge and collect inspection and weighing fees, and the bill was then passed, after striking all after the enacting clause and inserting the text of S. 2337, Senate companion measure, and after agreeing to the following amendments proposed thereto:

Page 25889

(1) Byrd (for Boren) Amendment No. 3295, to revise the provisions governing the haying and grazing of conservation use acreage.

Page 25893

(2) Byrd (for Exon) Amendment No. 3296, to require the Secretary of Agriculture to conduct a study of the effects of including dockage with foreign material as a grading factor for wheat.

Page 25894

S. 2337 was subsequently indefinitely postponed.

Page 25894

Robert T. Stafford United States Courthouse and Post Office: Senate passed S. 2835, to designate the United States Post Office and Courthouse located at 151 West Street in Rutland, Vermont, as the "Robert T. Stafford United States Courthouse and Post Office".

Page 25894

Printing of Certain Documents: Senate agreed to S. Res. 482, authorizing the printing of certain documents as a Senate document during the bicentennial year 1989 the Declaration of the Rights of Man and of the Citizens, and the Bill of Rights, with accompanying historical notes.

Page 25911

National Visiting Nurse Associations Week: Senate passed H.J. Res. 576, designating February 19 through 25, 1989, as "National Visiting Nurse Associations Week". (Earlier, Senate vitiated its action of September 20, 1988, when the resolution was ordered indefinitely postponed.)

Page 25911

Printing Resolution: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 350, authorizing the printing of a history of the House Committee on Ways and Means, and the resolution was then agreed to.

Page 25912

Pregnancy and Infant Loss Awareness Month: Committee on the Judiciary was discharged from further consideration of S.J. Res. 314, designating October 1988 as "Pregnancy and Infant Loss Awareness Month", and the resolution was then passed.

Page 25912

Printing of "Our Flag": Senate agreed to H. Con. Res. 361, to print a revised edition of "Our Flag".

Page 25912

Food Stamp Act of 1977—Technical Corrections: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 4998, to amend the Food Stamp Act of 1977 to make technical corrections in the Family Independence Demonstration Project, and the bill was then passed.

Page 25912

Authorizing the Production of Documents: Senate agreed to S. Res. 483, authorizing the production of documents by the Senate Permanent Subcommittee on Investigations in the case of *Tarlow v. Doubleday and Company*.

Page 25913

McKinney Homeless Assistance Act: Committee on Labor and Human Resources was discharged from further consideration of H.R. 4352, to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and the bill was then passed, after agreeing to Byrd Amendment No. 3297, in the nature of a substitute.

Page 25988

Indian Health Care Improvements Act: Senate passed H.R. 5261, to reauthorize and amend the Indian Health Care Improvement Act, after agreeing to Byrd (for Inouye) Amendment No. 3298, in the nature of a substitute, and agreeing to the following amendments proposed thereto:

Page 26012

(1) Melcher Amendment No. 3299, to delay the implementation of an IHS regulation relating to eligibility for the Health Care Services, and to provide for a study of the impact of such rule.

Page 26012

(2) Melcher Amendment No. 3300, to ensure certain demonstration projects involving the treatment of child sexual abuse are continued.

Page 26013

(3) Melcher Amendment No. 3301, to establish an effective clinical staffing recruitment and retention program.

Page 26014

(4) Dole (for Nickles) Amendment No. 3302, to limit the use of funds appropriated to the Indian Health Service.

Page 26018

(5) Byrd (for Inouye) Amendment No. 3303, to strike an amendment to the Medicare provisions of the Social Security Act to assure that spending limits for programs under the jurisdiction of the Finance

Committee under section 302 of the Budget Act are not exceeded.

Page 26018

(6) Byrd (for Burdick) Amendment No. 3304, to make a technical correction.

Page 26018

(7) Byrd (for Inouye) Amendment No. 3305, to provide for the designation of an administrative entity to administer the scholarship program for Native Hawaiians.

Page 26018

Senate insisted on its amendments, requested a conference with the House thereon, and appointed as conferees Senators Inouye, Melcher, DeConcini, Burdick, Daschle, Evans, Murkowski, and McCain.

Page 26023

S. 129, Senate companion measure, was indefinitely postponed.

Page 26023

Enrollment of Appropriations Bills: Senate passed H.J. Res. 665, authorizing the hand enrollment of appropriations bills for fiscal year 1989 and authorizing the subsequent, post-enactment preparation of printed enrollments of those bills.

Page 26023

Targhee National Forest: Senate passed H.R. 4028, to authorize the Secretary of Agriculture to exchange certain national forest system lands in Targhee National Forest, after agreeing to a committee amendment in the nature of a substitute.

Page 26023

Private Relief: Senate passed S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson.

Page 26023

Admiralty Island National Monument Land Management Act: Senate passed H.R. 2596, to improve Federal management of lands on Admiralty Island, Alaska, after agreeing to a committee amendment in the nature of a substitute.

Page 26024

Women's Rights National Historical Park: Senate passed H.R. 2952, to increase the amount authorized to be appropriated for acquisition at the Women's Rights National Historical Park.

Page 26026

Senate Bicentennial Minutes: Senate agreed to S. Con. Res. 146, to authorize the printing of Senator Bob Dole's series of "Senate Bicentennial Minutes".

Page 26028

Parental and Medical Leave Act: Senate continued consideration of S. 2488, to grant employees parental and temporary medical leave under certain circumstances, with committee amendments, taking action on further amendments proposed thereto, as follows;

Pages 25869, 25913, 25924

Adopted:

(1) By a unanimous vote of 97 yeas (Vote 339), Thurmond modified Amendment No. 3293 (to the Committee Amendment No. 2), to amend current laws with regard to child pornography and obscenity.

Page 25870

Senate will continue consideration of the bill and amendments proposed thereto on Thursday, September 29.

Transportation Appropriations, 1989—Conference Report: Senate agreed to the conference report on H.R. 4794, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989.

Page 25862

Senate concurred in the House amendment to Senate amendment Nos. 20, 22, 38, 48, 50, 76, 77, 87, 100, 104, 122, 126, 127, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, and 153.

Page 25865

Senate receded from its amendment No. 12.

Page 25867

Senate further insisted on its amendment No. 121.

Page 25868

Mining and Mineral Resources Research Institute Act Authorizations: Senate concurred in the amendment of the House to H.R. 3977, to authorize funds for the Mining and Mineral Resources Research Institute Act for fiscal years 1990 through 1993.

Page 25895

Agricultural Aid and Trade Missions Act: Senate concurred in the amendments of the House to S. 659, to establish agricultural aid and trade missions to assist foreign countries to participate in United States agricultural aid and trade programs.

Page 25896

Department of Defense Authorizations—Conference Report: By 91 yeas to 4 nays (Vote 340), Senate agreed to the conference report on H.R. 4481, to authorize funds for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces.

Page 25915

Message From the President: Senate received the following message from the President of the United States:

Transmitting the annual report of the Rehabilitation Services Administration, covering fiscal year 1987, together with an accompanying report; which

was referred to the Committee on Labor and Human Resources. (PM-159)

Page 25928

Nominations Received: Senate received the following nominations:

Routine list of Coast Guard, Air Force, Army, and Navy nominations.

Page 26029

Measures Indefinitely Postponed:

Social Services for the Homeless: S. 2742, to reauthorize certain social services for the homeless, and for other purposes.

Page 26011

Interagency Council on the Homeless Appropriations: S. 2607, to reauthorize appropriations and modify administrative organization activities of the Interagency Council on the Homeless, and for other purposes.

Page 26011

McKinney Homeless Assistance Housing Programs: S. 2554, to reauthorize the housing programs contained in the McKinney Homeless Assistance Act.

Page 26011

Measures Returned to Calendar:

National AIDS Awareness and Prevention Month: Senate vitiated its action of November 3, 1987, when S.J. Res. 192, to designate the month of October 1987, as "National AIDS Awareness and Prevention Month" was indefinitely postponed, and the resolution was returned to the calendar.

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Messages From the President:

Page 25928

Messages From the House:

Page 25928

Measures Referred:

Page 25928

Measures Ordered Placed on Calendar:

Page 25928

Communications:

Page 25929

Statements on Introduced Bills:

Page 25931

Amendments Submitted:

Page 25939

Additional Cosponsors:

Page 25934

Authority for Committees:

Page 25970

Notices of Hearings:

Page 25970

Additional Statements:

Page 25971

Record Votes: Two record votes were taken today. (Total—340)

Pages 25915, 25924

Recess: Senate convened at 10:30 a.m., and recessed at 7:02 p.m., until 11 a.m., on Thursday, September 29. (For Senate's program, see the remarks of Senator Byrd in today's Record on page 26029.)

Committee Meetings

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered the following business items favorably reported:

The nominations of John R. Dahl, of North Dakota, Derryl McLaren, of Iowa, Gordon C. Southern, of Missouri, and Edward C. Williamson, Jr., of Georgia, each to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation;

S. 2571, to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, and create the Winding Stair Mountain National Recreation and Wilderness Area, with an amendment in the nature of a substitute;

S. 2838, to designate the Sipsey River in Alabama as a component of the National Wild and Scenic Rivers System;

S. 2437, to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Oktibbeha County, Mississippi, with an amendment;

H.R. 2835, to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, Tennessee; and

An original bill to make a technical correction in the Hunger Prevention Act (Pub. L. 100-435).

DEFENSE ACQUISITION

Committee on Armed Services: Subcommittee on Defense Industry and Technology held hearings to review Department of Defense acquisition policy initiatives, receiving testimony from Elenore R. Spector, Deputy Assistant Secretary for Procurement, June Gibbs Brown, Inspector General, and Derek J. Vander Schaaf, Deputy Inspector General, all of the Department of Defense.

Hearings were recessed subject to call.

NATIONAL HOUSING POLICY

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Urban Affairs concluded hearings to review legislative implications of staff concept papers to develop the framework for a National Affordable Housing Act, after receiving testimony from Martha Kwisley, Pennsylvania Department of Public Welfare, Harrisburg, on behalf of the National Association of State Mental Health Program Directors; Thomas Slemmer, National Church Residences, on behalf of the American Association of Homes for the Aging, Leo Smith, Consumer Housing Information Service for Seniors, on behalf of the American Association of Retired Persons, Paul Sherlock, Association of Retarded Citi-

zens, Barry Zigas, National Low Income Housing Coalition, Charles Kamaski, National Council of LaRaza, Maria Foscarnis, National Coalition for the Homeless, Henry B. Schechter, AFL-CIO, Moises Loza, National Rural Housing Coalition, and Carol T. Johnson, National Trust for Historic Preservation, all of Washington, DC; Martha Brown Hicks, Skid Row Development Corporation, Los Angeles, California; Steven Banks, Homeless Family Rights Program of the Legal Aid Society, New York, New York; Terry Lewis, National Association of Housing Cooperatives, Alexandria, Virginia; R.J. Godin, Jr., Council for Rural Housing and Development, Montgomery, Alabama; Charles V. Welden, Jr., National Leased Housing Association, Birmingham, Alabama; and Howard Pals, Scottsdale, Arizona, on behalf of the American Institute of Architects.

UNFAIR PRACTICES IN THE SOFT DRINK MARKET

Committee on Commerce, Science, and Transportation: Consumer Subcommittee concluded hearings on S. 2347, to declare that certain activities of soft drink manufacturers which induce retailers to purchase soft drink syrup from such manufacturers to the exclusion of soft drink syrup sold by others to be an unfair act or practice for the purpose of the Federal Trade Commission Act, after receiving testimony from Brook R. Jason, Jason Soda Systems, Inc., South Windsor, Connecticut; Douglas S. Damon, Damon Distributors, Sparks, Nevada; Loretta Lippy, National Licensed Beverage Association, Alfred Griggs, Coca-Cola of Northhampton, representing the National Soft Drink Association, Richard Crawford, National Restaurant Association, all of Washington, DC; Sanford Hahn, Perfection Equipment, Inc., Gurney, Illinois; James W. Watkins, Dr. Pepper Company, Dallas, Texas; Mark A. Imbesi, Imbesi Bottling Group, Bridgeton, New Jersey; and H. Ronald Harris, Marblehead, Massachusetts.

FOREIGN FLAG VESSELS

Committee on Commerce, Science, and Transportation: Subcommittee on Merchant Marine concluded hearings on S. 2728, to permit coal to be transported in foreign-flag vessels between the States of Alaska and Hawaii without regard to section 27 of the Merchant Marine Act of 1920, and S. 2729, to allow certain foreign-flag vessels to carry passengers among ports in Alaska and between points in Alaska and Seattle, Washington, after receiving testimony from Senator Murkowski; William A. Creelman, Deputy Administrator for Inland Waterways and Great Lakes, Department of Transportation; John Reurs, International Committee of Passenger Lines; New York, New York; Robert Giersdorf, Exploration Cruise Lines, Seattle, Washington; Mayor Ted Ferry, Ketchikan, Alaska; John Sims, Usibelli Coal Mine Inc., Fair-

banks, Alaska; Eric Ostrovsky, on behalf of the Governor's Office of the State of Alaska, Jack Park, Crowley Maritime Corporation, Karl Landgrebe, National Marine Engineers Beneficial Association, AFL-CIO, and Ernest J. Corrado, American Institute of Merchant Shipping, all of Washington, DC; and Frank Pecquex, Seafarers International Union of North American, AFL-CIO, Camp Springs, Maryland.

MAGLEV TRANSPORTATION

Committee on Environment and Public Works: Subcommittee on Water Resources, Transportation, and Infrastructure concluded hearings on the use of Federal highway rights-of-way for development of magnetic levitation transportation systems, after receiving testimony from Patrick Choate, TRW, Inc., Arlington, Virginia; Robert E. Parsons, University of California, Berkeley; David H. Rush, ACR Electronics, Ft. Lauderdale, Florida; and James Powell and Gordon Danby, both of the Brookhaven National Laboratory, Upton, New York.

IRS CODE PENALTY REFORM

Committee on Finance: Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service concluded hearings on the reform of Internal Revenue Service code penalties, after receiving testimony from Jennie S. Stathis, Associate Director for Tax Policy and Administration, General Government Division, General Accounting Office; Patricia Burton, Gales Ferry Tax Service, Gales Ferry, Connecticut; Gerald G. Portney, Peat Marwick Main and Company, Henry C. Ruempler, American Bankers Association, and Kenneth W. Gideon, Fried, Frank, Harris, Shriver and Jacobson, all of Washington, DC; James E. Merritt, Morrison and Foerster, San Francisco, California, and Charles J. Muller III, Matthews and Branscomb, San Antonio, Texas, both on behalf of the American Bar Association; Craig Rhyne, Rhyne Precious Metals, and the Washington State Coin and Bullion Dealers Association, Seattle, Washington, on behalf of the International Council of Tangible Assets; and Thomas Cotter, Aetna Life Insurance, Hartford, Connecticut, on behalf of the American Council of Life Insurance.

U.S.-JAPAN SERVICES TRADE

Committee on Foreign Relations: Subcommittee on International Economic Policy, Trade, Oceans and Environment concluded hearings to examine U.S.-Japan services trade issues, after receiving testimony from Gregory S. Dole, Acting Assistant Secretary of Transportation for Policy and International Affairs; Charles Angevine, Special Negotiator for Transportation Affairs, Department of State; Maureen R. Smith, Deputy Assistant Secretary of Commerce for

Japan; Richard Self, Office of the U.S. Trade Representative; Clyde Prestowitz, Potomac, Maryland, former Special Adviser on Japan to the Secretary of Commerce; A. Doyle Cloud, Jr., Federal Express, Memphis, Tennessee; Mark Chalpin, National Constructor's Association, Washington, DC; and Vance Fort, Flying Tigers, Los Angeles, California.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on certain intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 5407-5419; and 11 resolutions, H.J. Res. 665-667, H. Con. Res. 377 and 378, and H. Res. 550-555 were introduced.

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Reports Filed: Reports were filed as follows:

H.R. 2642, to facilitate and implement the settlement of Colorado Ute Indian reserved water rights claims in southwest Colorado (H. Rept. 100-986);

H. Res. 551, waiving certain points of order against the conference report on H.R. 4481, to provide for the closing and realigning of certain military installations during a certain period (H. Rept. 100-987);

Conference report on H.R. 4776, making appropriations for the government of the District of Columbia and other agencies chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989 (H. Rept. 100-988);

Conference report on H.R. 4481, to provide for the closing and realigning of certain military installations during a certain period (H. Rept. 100-989);

Conference report on H.R. 4784, making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989 (H. Rept. 100-990);

Report entitled "Legislation Needed to Curb Secrecy Contracts" (H. Rept. 100-991);

S. 1966, to amend the Public Health Service Act to improve information and research on biotechnology and the human genome, amended (H. Rept. 100-992);

H.R. 4502, to establish a national advisory commission to promote and coordinate scientific information and research on biotechnology, amended (H. Rept. 100-993);

H.R. 4645, to provide for participation by the United States in a capital stock increase of the International Bank for Reconstruction and Development and a replenishment of the African Development Fund, amended (H. Rept. 100-994);

H. Res. 553, waiving certain points of order against consideration of H.R. 4587, making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and against the consideration of such conference report (H. Rept. 100-995);

H. Res. 554, providing for a motion to recede and concur in Senate amendment numbered 119 to H.R. 4637, making appropriations for foreign operations, export financing, and relating programs for the fiscal year ending September 30, 1989, amended (H. Rept. 100-996);

H. Res. 555, waiving certain points of order against consideration of H.R. 4781, making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and against consideration of such conference report (H. Rept. 100-997);

Conference report on H.R. 1720, Family Welfare Reform Act of 1987 (H. Rept. 100-998).

H.R. 3914, to establish a commission to investigate racially motivated violence, amended (H. Rept. 100-999);

Conference report on H.R. 4587, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1989 (H. Rept. 100-1000);

H.R. 3675, to reorganize and consolidate in a new Federal agency certain functions of the Federal Government relating to real estate appraisals and to authorize State appraiser certifying agencies, for the purpose of protecting the financial and public policy interests of the United States in certain real estate-related financial transactions, amended (H. Rept. 100-1001); and

Conference report on H.R. 4781, making appropriations for the Department of Defense for the fiscal year ending September 30, 1989 (H. Rept. 100-1002).

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Correction of Enrollment: House agreed to S. Con. Res. 144, correcting the enrollment of S.J. Res. 317, commemorating the bicentennial of the French Revolution and the Declaration of the Rights of Man and of the Citizen—clearing the measure.

Page 26032

Late Report: Conferees received permission to have until midnight tonight to file a conference report on H.R. 4781, making appropriations for the Department of Defense for the fiscal year ending September 30, 1989.

Page 26032

Defense Authorization: House agreed to the Moakley motion to table the Walker motion to discharge the Committee on Armed Services from the further consideration of H.R. 4264, National Defense Authorization Act for fiscal year 1989 (agreed to by a yeas-and-nays vote of 237 yeas to 168 nays, Roll No. 355).

Page 26033

Defense Savings Act: House disagreed to the Senate amendments to H.R. 4481, to provide for the closing and realigning of certain military installations during a certain period; and agreed to a conference. Appointed as conferees: Representatives Aspin, Foley, and Dickinson.

Page 26034

Appropriations Conference Reports: House agreed to H. Res. 548, waiving certain points of order against certain conference reports on general appropriations bills for fiscal year 1989, and providing for the consideration of a joint resolution.

Pursuant to the rule, H. Res. 314, H. Res. 316, H. Res. 333, H. Res. 342, and H. Res. 523 were laid on the table.

Page 26034

Hand Enrollment Authorization: House passed H.J. Res. 665, authorizing the hand enrollment of appropriations bills for fiscal year 1989 and authorize the subsequent, post-enactment preparation of printed enrollments of those bills.

Page 26037

Foreign Operations Appropriations: By a yeas-and-nays vote of 327 yeas to 92 nays with 1 voting "present", Roll No. 356, the House agreed to the conference report on H.R. 4637, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989.

Pages 26037, 26098

House receded in its disagreement and concurred in Senate amendments Nos. 14, 28, 29, 32, 36, 37, 38, 40, 42, 61, 75, 78, 79, 80, 83, 106, 107, 108, 118, 120, 123, 125, 127, 128, 129, 130, 132, 136, 143, 155, 156, 157, 160, 163, and 166.

Page 26099

House receded in its disagreement and concurred, with amendment, in Senate amendments Nos. 1, 5, 7, 10, 11, 23, 31, 33, 35, 44, 47, 53, 55, 62, 64, 70, 84, 86, 87, 89, 90, 101, 103, 111, 112, 115, 124, 133, 134, 135, 141, 144, 169, 170, 171, 172, 173, 175, 176, 177, 179, 180, and 182.

Page 26099

Earlier, a point of order was sustained against the motion to recede and concur, with amendment, to Senate amendment No. 119.

Page 26034

Committee Funds: By a yeas-and-nays vote of 412 yeas to 2 nays, Roll No. 357, the House agreed to

H. Res. 531, providing amounts from the contingent funds of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the Second Session of the One Hundredth Congress.

Page 26122

Transportation Appropriations: House receded from its disagreement and concurred in Senate amendment No. 121 to H.R. 4794, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989—clearing the measure for the President.

Page 26124

Federal Equitable Pay Practices: House continued consideration of H.R. 387, to promote equitable pay practices and to eliminate discrimination within the Federal civil service; but came to no resolution thereon. Proceedings under the 5-minute rule will continue on Thursday, September 29.

Pages 26124, 26416

Rejected:

The Army amendment that sought to provide for appointment of an additional five members of the Commission each one of which to be recommended by the Secretaries of Defense, Health and Human Services, Treasury, Agriculture, and Interior, respectively (rejected by a recorded vote of 159 yeas to 257 nays, Roll No. 358); and

Page 26125

The Burton amendment that sought to provide for 14 members of the Commission to be appointed by the President with the consultation and recommendation of the majority leader of the Senate, minority leader of the House, Speaker of the House, and minority leader of the Senate, as well as certain membership conditions and compensation (rejected by a recorded vote of 115 yeas to 284 nays, Roll No. 362).

Page 26416

A point of order was sustained against the Bartlett amendment that sought to include pay structures for congressional employees in the study provided for in the bill. By a recorded vote of 251 yeas to 150 nays, Roll No. 363, the House voted to sustain the ruling of the Chair on the point of order.

Page 26420

Defense Authorization: By a yeas-and-nays vote of 369 yeas to 48 nays, Roll No. 359, the House agreed to the conference report on H.R. 4481, to provide for the closing and realigning of military installations for a certain period—clearing the measure for Senate action.

Pages 26137, 26407

H. Res. 551, the rule waiving certain points of order against the conference report, was agreed to earlier by a voice vote.

Page 26135

District of Columbia Appropriations: By a ye-and-nay vote of 228 yeas to 188 nays, Roll No. 360, the House agreed to the Dornan motion to recommit to the committee of conference the conference report on H.R. 4776, making appropriations for the government of the District of Columbia and other agencies chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, with instructions that House conferees insist on the House text of section 117 relating to use of funds for abortion, or to agree to an amendment to such House text containing an exception where the life of the mother would be endangered if the fetus were carried to term.

Pages 26113, 26409

Inclusion of Overseas Personnel in Decennial Censuses: By a ye-and-nay vote of 93 yeas to 317 nays, (Roll No. 361), the House failed to suspend the rules and pass H.R. 4720, to amend title 13, United States Code, to provide for the inclusion of members of the uniformed services and civilian employees of the Government assigned to posts of duty outside the United States, and their dependents, in censuses of population for purposes of the apportionment of Representatives in Congress. This bill was debated on Tuesday.

Page 26414

Sanctions on Iraq: House agreed to H. Res. 552, returning to the Senate the bill, S. 2763, entitled the "Prevention of Genocide Act of 1988".

Page 26415

Presidential Veto—Textile and Apparel Trade: Received and read a message from the President wherein he announces his veto of H.R. 1154, to remedy injury to the United States textile and apparel industries caused by increased imports, and explains his reasons therefor—ordered printed (H. Doc. 100-235).

Agreed to a motion providing that further consideration of the veto message be postponed to Tuesday, October 4.

Page 26415

Presidential Message—Rehabilitation Services: Received and read a message from the President wherein he transmits the annual report of the Rehabilitation Services Administration on activities in fiscal year 1987—referred to the Committee on Education and Labor.

Page 26416

Quorum Calls—Votes: Six ye-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages 26034,

26043, 26124, 26134, 26408, 26413, 26414, 26419, 26422. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 7:56 p.m.

Committee Meetings

PET THEFT ACT

Committee on Agriculture: Subcommittee on Department Operations, Research, and Foreign Agriculture held a hearing on S. 2353, Pet Theft Act of 1988. Testimony was heard from Senator Ford; James W. Glosser, Administrator, Animal and Plant Health Inspection Service, USDA; and public witnesses.

SIPSEY RIVER; U.S. FOREST SERVICE ADMINISTRATIVE APPEALS PROCESS REVISIONS

Committee on Agriculture: Subcommittee on Forests, Family Farms, and Energy approved for full Committee action, as amended, H.R. 5395, to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, to designate certain areas as additions to the Cheaha Wilderness, and to preserve over 30,000 acres of pristine natural treasures in the Bankhead National Forest for the aesthetic and recreational benefit of future generations of Alabamians.

The Subcommittee also held a hearing to review proposed revisions in the U.S. Forest Service administrative appeals process. Testimony was heard from Representatives Craig and Flippo; F. Dale Robertson, Chief, Forest Service, USDA; and public witnesses.

INTEGRITY OF THE DOD ACQUISITION SYSTEM AND ITS IMPACT ON U.S. NATIONAL SECURITY

Committee on Armed Services: Continued hearings on the integrity of the Defense Department's acquisition system and impact of the current procurement-fraud investigation on U.S. national security. Testimony was heard from Caspar W. Weinberger, former Secretary of Defense.

UNIFORMED SERVICES TREATMENT FACILITIES

Committee on Armed Services: Subcommittee on Military Personnel and Compensation held a hearing regarding the Uniformed Services Treatment Facilities. Testimony was heard from the following officials of the Department of Defense: Dr. William Mayer, Assistant Secretary, Health Affairs; Robert Pennisi, Deputy Assistant Inspector General, Auditing; and representatives of the Uniformed Services

Treatment Facilities; and David P. Baine, Associate Director, Human Resources Division; GAO.

P-REACTOR OPERATIONS

Committee on Armed Services: Subcommittee on Procurement and Military Nuclear Systems held a hearing on P-reactor operations at the Savannah River Plant. Testimony was heard from the following officials of the Department of Energy: Joseph F. Salgado, Deputy Secretary; Bill Kaspar, Manager, Savannah River Operations Office; Ernest C. Baynard, Assistant Secretary, Energy for Environment, Safety and Health; Troy E. Wade II, Acting Assistant Secretary, Defense Programs; Richard Starostecki, Deputy Assistant Secretary, Safety, Health and Quality Assurance; and a public witness.

INDUSTRIAL BASE EROSION

Committee on Armed Services: Subcommittee on Readiness held a hearing on the industrial-base erosion and the potential impact on defense readiness of the erosion in U.S. manufacturing of plastic injection molding machinery equipment. Testimony was heard from Representative Bentley; John E. Dubreuil, Director, Industrial Resources, Department of Defense; and John Richards, Director, Strategic Analysis Division, Department of Commerce.

SPECIAL OPERATIONS FORCES BUDGET

Committee on Armed Services: Subcommittee on Readiness, Special Operations Panel met in executive session to hold a hearing to review the Special Operations Forces budget and related subjects. Testimony was heard from the following officials of the Department of Defense: John O. Marsh, Jr., Secretary of the Army; and Charles S. Whitehouse, Assistant Secretary, Special Operations Forces and Low Intensity Conflict.

DISTRICT OF COLUMBIA LEGISLATION

Committee on the District of Columbia: Ordered reported the following bills: H.R. 4700, to authorize conveyance to Columbia Hospital for Women of certain parcels of land in the District of Columbia; and H.R. 4236, to amend the act of June 6, 1900, to increase the number of trustees of the Frederick Douglass Memorial and Historical Association.

OVERSIGHT

Committee on Education and Labor: Subcommittee on Labor Standards held an oversight hearing on extending major labor statutes to Congressional employees. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 5117, to require that plastic ring carrier devices be degradable; and H.R. 3515, amended, to amend the Solid Waste Disposal Act to

require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of infectious waste.

NORTHROP CORPORATION'S POTENTIAL VIOLATIONS OF THE FOREIGN CORRUPT PRACTICES ACT

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing regarding Northrop Corporation's potential violations of the Foreign Corrupt Practices Act. Testimony was heard from a public witness.

PROPOSED SALE AND LAUNCH OF U.S. SATELLITES ON CHINESE MISSILE

Committee on Foreign Affairs: Subcommittee on Arms Control, International Security and Science, Subcommittee on Asian and Pacific Affairs and the Subcommittee on International Economic Policy and Trade held a joint hearing on the Proposed Sale and Launch of U.S. Satellites on Chinese Missile. Testimony was heard from Representatives Nelson of Florida and Solomon; Gene McAllister, Assistant Secretary, East Asian and Pacific Affairs, Department of State; Carl Jackson, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of Defense; and public witnesses.

U.S.-JAPAN RELATIONS

Committee on Foreign Affairs: Subcommittee on Asian and Pacific Affairs held a hearing on U.S.-Japan Relations: Security Cooperation and Foreign Aid. Testimony was heard from Representative McMillan of North Carolina; and public witnesses.

SEMI-ANNUAL REPORT ON DRUG CORRUPTION IN FOREIGN COUNTRIES

Committee on Foreign Affairs: Task Force on International Narcotics Control held a hearing to review the Section 2013 Report and the State Department Mid-Year Update. Testimony was heard from Ann Wroblewski, Assistant Secretary, Bureau of International Narcotics Matters, Department of State; and David Westrate, Assistant Administrator, Operations, DEA, Department of Justice.

CORPORATE RAIDING OF WORKER PENSION PLANS

Committee on Government Operations: Subcommittee on Employment and Housing held a hearing on Corporate Raiding of Worker Pension Plans. Testimony was heard from David Walker, Assistant Secretary, Pensions and Benefits, Department of Labor; Kathleen P. Utgoff, Executive Director, Pension Benefit Guarantee Corporation; and public witnesses.

USE AND ABUSE OF GOVERNMENT OWNED AIRCRAFT

Committee on Government Operations: Subcommittee on Environment, Energy and Natural Resources held a hearing on Use and Abuse of Government Owned Aircraft. Testimony was heard from L. Nye Stevens, Senior Associate Director, General Government Division, GAO; John Layton, Inspector General, Department of Energy; and Joseph Wright, Deputy Director, OMB.

MISCELLANEOUS MEASURES

Committee on Interior and Insular Affairs: Ordered reported the following measures: S. 1236, amended, to authorize relocation of under the Navajo-Hopi Relocation Program; H. Con. Res. 331, to acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the U.S. Constitution and to reaffirm the continuing Government-to-Government relationship between Indian tribes and the United States established in the Constitution; and H.R. 5303, amended, to declare that certain lands be held in trust for the Quinault Indian Nation.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Began markup of the following measures; H.R. 5043, Post-Employment Restrictions Act of 1988; H.R. 3685, to amend title 31, United States Code, to increase from \$25,000 to \$40,000 the maximum amount that the United States may pay in settlement of a claim against the United States made by a member of the uniformed services or by an officer or employee of the Government; H.R. 4480, to change the name of the Pacific Tropical Botanical Garden, a federally chartered organization, to the National Tropical Botanical Garden; H.J. Res. 644, granting the consent of the Congress to the compact entered into between the State of North Carolina and the State of South Carolina establishing the Lake Wylie Marine Commission; and H.R. 4756, to amend title 18, United States Code, to make permanent certain law enforcement powers currently exercised by officers of the United States engaged in criminal enforcement of environmental laws; and H.R. 1417, Torture Victim Protection Act of 1987.

The Committee also considered private claims and immigration bills.

Will continue September 30.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Crime met in executive session to continue oversight hearings on illegal trafficking of firearms and drugs. Testimony was heard from officials of the DEA, Department of Justice.

Hearings continue tomorrow.

COASTAL ZONE MANAGEMENT

Committee on Merchant Marine and Fisheries: Subcommittee on Fisheries and Wildlife Conservation and the Environment and the Subcommittee on Oceanography held a joint hearing on Coastal Zone Management, Coastal pollution and the protection of coastal resources. Testimony was heard from Tom Maginnis, Assistant Administrator, National Ocean Service and Ocean and Coastal Resources Management, NOAA, Department of Commerce; Rebecca W. Hanmer, Acting Assistant Administrator, Office of Water, EPA; James F. Ross, Director, Department of Land Conservation and Development, State of Oregon; Langdon Marsh, Executive Deputy Commissioner, Department of Environmental Conservation, State of New York; Sarah Taylor, Executive Director, Chesapeake Bay Critical Area Commission, Department of Natural Resources, State of Maryland; and a public witness.

MISCELLANEOUS MEASURES

Committee on Post Office and Civil Service: Ordered reported the following measures: H.R. 5319, amended, relating to compensation for members of the U.S. Park Police and members of the U.S. Secret Service Uniformed Division; and H. Con. Res. 115, providing for participation by delegations of Members of both Houses of Congress in ceremonies to be held in April 1989 in New York City marking the 200th anniversary of the implementation of the Constitution as the form of government of the United States, the inauguration of President George Washington, and the proposal of the Bill of Rights as the first 10 amendments to the Constitution.

FAA'S OVERSIGHT OF THE COMMUTER AIRLINE INDUSTRY

Committee on Public Works and Transportation: Subcommittee on Investigations and Oversight held a hearing on the FAA's Oversight of the Commuter Airline Industry. Testimony was heard from John Kern, Acting Deputy Associate Administrator, Regulations and Certification, FAA, Department of Transportation.

COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

Committee on Rules: Granted an open rule providing 1 hour of debate on H.R. 2642, Colorado Ute Indian Water Rights Settlement Act of 1987. Testimony was heard from Chairman Udall; and Representatives Campbell and Rhodes.

CONFERENCE REPORT—DEFENSE SAVINGS ACT

Committee on Rules: Granted a rule waiving all points of order against the conference report on H.R.

4481, Defense Savings Act of 1988, and against its consideration. The rule also provides that the conference report shall be considered as having been read when called up for consideration.

CONFERENCE REPORT—LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Rules: Granted a rule waiving all points of order against the conference report on H.R. 4587, making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and against its consideration, subject to copies of the conference report being available for at least 2 hours. The rule also provides that the conference report is considered as having been read and was called up for consideration.

FOREIGN ASSISTANCE APPROPRIATIONS

Committee on Rules: Granted a rule providing for the consideration of a motion, if offered by Representative Obey, or his designee, to recede and concur in Senate amendment number 119 to H.R. 4637, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989, with an amendment printed in the report accompanying this resolution. The rule provides 1 hour of debate on the motion and the motion is not subject to a demand for a division of the question. All points of order against the motion are waived. Testimony was heard from Representatives Obey, Fauntroy, Conte, Dreier of California, Wylie, Bereuter and Leach.

CONFERENCE REPORT—DEPARTMENT OF DEFENSE APPROPRIATIONS

Committee on Rules: Granted a rule waiving all points of order against the conference report on H.R. 4781, making appropriations for the Department of Defense for the fiscal year ending September 1989, and against its consideration, subject to copies of the conference report being available for at least 2 hours. The rule also provides that the conference report and motions to dispose of amendments in disagreement are to be considered as read when called up for consideration.

INDOOR AIR QUALITY ACT

Committee on Science, Space, and Technology: Subcommittee on Natural Resources, Agriculture Research and Environment held a hearing on H.R. 537, Indoor Air Quality Act of 1988. Testimony was heard from Senator Mitchell; Representative Kennedy; Don Clay, Acting Assistant Administrator, EPA; and public witnesses.

OVERSIGHT

Committee on Small Business: Subcommittee on Exports, Tourism and Special Problems held an oversight hearing on the impact of expanding the

OSHA's Hazardous Communication Standard to the non-manufacturing sector. Testimony was heard from Charles Candell, Deputy General Counsel, Office of the Chief of Advocacy, SBA; the following officials of OSHA, Department of Labor: Frank White, Deputy Assistant Secretary; and Jennifer Silk, Health Scientist; and public witnesses.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to consider pending business.

Joint Meetings

RURAL DEVELOPMENT IN THE 1990's

Joint Economic Committee: Committee concluded hearings to examine prospects for rural development in the 1990's, focusing on underlying causes of rural economic distress, the availability of credit necessary to revitalize rural businesses and communities, and the need for investments in rural infrastructure, after receiving testimony from Representatives Watkins and Jontz; Texas State Senator Bill Sims, Austin; Maine State Speaker of the House John Martin, Augusta; South Dakota State Senator Mary McClure, Pierre; Kansas State Representative Robin Leach, Topeka; Illinois State Senator John Maitland, Springfield; Murray D. Lull, American Bankers Association, Richard Larochelle, National Rural Electric Cooperative Association, and Mike Dunn, National Farmers' Union, all of Washington, DC; John F. Spies, Iowa Trust & Savings Bank, Emmetsburg, representing the Independent Bankers Association of America; Jack Cassidy, FCS Central Bank for Cooperatives, Denver, Colorado; and William Fulginiti, New Mexico Municipal League, Santa Fe.

AUTHORIZATIONS—DEPARTMENT OF DEFENSE

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 4481, to authorize funds for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces.

APPROPRIATIONS—DISTRICT OF COLUMBIA

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 4776, appropriated funds for fiscal year 1989 for the government of the District of Columbia.

APPROPRIATIONS—LEGISLATIVE BRANCH

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 4587, appropriating funds for fiscal year 1989 for the Legislative Branch.

Office of Technology Assessment

The Board met and took the following actions:

1. Approved new project proposals, as follows:

A. U.S. Universities and Development Assistance: Technical Support for Agriculture, Natural Resources, and Environment;

B. Biotechnology in a Global Economy: Options for U.S. Strategy;

C. Forensic Uses of Genetic Tests;

D. High School Vocational Education: Measures of Program Performance;

E. Information Technology and Research;

2. Approved fiscal year 1990 appropriations request; and

3. Approved the nomination of Dr. Henry Koffler, President, University of Arizona, to the Technology Assessment Advisory Council.

Board recessed subject to call.

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Thursday, September 29, 1988

Senate

Chamber Action

Routine Proceedings, pages 26511-26680

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2844-2846, and S. Con. Res. 148.

Page 26613

Measures Reported: Reports were made as follows:

S. 2477, to amend the Public Health Service Act to modify the authority for the regulation of clinical laboratories to require licensed laboratories to qualify under proficiency testing programs, and for other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 100-561)

Special Report of the Committee on Veterans' Affairs Pursuant to Section 302(b) of the Congressional Budget Act of 1974. (S. Rept. No. 100-562)

Page 26612

Measures Passed:

Technical Corrections: Senate agreed to S. Con. Res. 148, to correct technical errors in the enrollment of H.R. 1720, Family Welfare Reform Act.

Page 26609

Grants for AIDS Treatment Drugs: Senate passed S. 2846, to provide for the awarding of grants for

the purchase of drugs used in the treatment of AIDS.

Page 26679

Parental and Medical Leave Act: Senate continued consideration of S. 2488, to grant employees parental and temporary medical leave under certain circumstances, with committee amendments and further amendments proposed thereto, as follows:

Page 26519

Pending:

(1) Byrd motion to recommit the bill, with instructions to report back forthwith, with an amendment, as contained in Byrd Amendment No. 3308.

Page 26522

(2) Byrd Amendment No. 3309, in the nature of a substitute for the instructions.

Page 26539

(3) Byrd Amendment No. 3310 (to Amendment 3309), of a perfecting nature.

Page 26558

A motion was entered to close further debate on the motion to recommit the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, October 3.

Page 26577

Senate will continue consideration of the bill on Friday, September 30.

Family Welfare Reform Act: By 96 yeas to 1 nay (Vote No. 341), Senate agreed to the conference report on H.R. 1720, to replace the existing AFDC program with a new Family Support Program which emphasizes work child support, and need-based family support supplements, to amend title IV of the Social Security Act, to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives.

Page 26577

Nominations Received: Senate received the following nominations:

Arthur Albert Brennan, of Massachusetts, to be a Member of the National Mediation Board.

John D. Crawford, of Illinois, to be a Member of the Railroad Retirement Board.

Miguel Rios, Jr., of New Mexico, to be a Member of the National Science Board.

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Messages From the House:

Page 26609

Measures Referred:

Page 26610

Measures Ordered Placed on Calendar:

Page 26610

Petitions and Memorials:

Page 26611

Statements on Introduced Bills:

Page 26613

Amendments Submitted:

Page 26615